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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

WOODS TREE & AG SERVICES,
LLC,

Plaintiff,

v.

CORCORAN TRUCKING, INC.,

Defendant.

NOTICE OF REMOVAL

TO: Woods Tree & Ag Services, LLC, Plaintiff; Perry J. Schneider and Michael D. Bybee of the law firm Milodragovich, Dale & Steinbrenner, P.C, Plaintiff's attorneys; and Clerk of Court of the Eighth Judicial District Court, Cascade County:

PLEASE TAKE NOTICE that Defendant, Corcoran Trucking, Inc.,
respectfully gives notice and shows the Court:

1. On around February 18, 2021, Plaintiff filed a civil action against Defendant in the Montana Eighth Judicial District Court, Cascade County, Cause No. CDV-21-0097, with service of process made on March 4, 2021.

2. A copy of the Complaint and Summons are attached hereto as Exhibits 1 and 2, which constitute copies of all process, pleadings, orders or other papers filed or served in the State Court action as of the date of this Notice.

3. Removal is timely under 28 U.S.C. § 1446(b)(1).

4. The Court has original jurisdiction of this action under 28 U.S.C. § 1331. The action may be removed to this Court under 28 U.S.C. § 1441(a) because it arises under the laws of the United States. Specifically, Count I alleges a claim under 49 U.S.C. § 14706, the Carmack Amendment to the Interstate Commerce Act, and Counts II and III are completely preempted by the Carmack Amendment.

5. To the extent the Complaint alleges nonfederal claims, this Court has supplemental or pendent jurisdiction over any such claims under 28 U.S.C. § 1367 because such claims arise out of the same operative facts as Plaintiff's 49 U.S.C. § 14706 claim.

6. In accordance with 28 U.S.C. § 106, 28 U.S.C. § 1441(a), and Local Rule 1.2(c)(3), venue is proper in the Great Falls Division of the United States District Court, District of Montana.

7. The alleged conduct in violation of the Carmack Amendment is alleged to have caused Plaintiff \$30,306 in damages. The matter in controversy is thus greater than \$10,000 as required under 28 U.S.C. § 1337(a).

8. Defendant will file its Answer to Plaintiff's Complaint by April 16, 2021, per stipulated extension agreement with Plaintiff's counsel.

WHEREFORE, Defendant prays that the action now pending in the Montana Eighth Judicial District Court, Cascade County, be removed therefrom to this Court.

DATED this 5th day of April, 2021.

/s/ Nicholas J. Lofing
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2021, a copy of the foregoing document was served on the following persons by the following means:

_____	Hand Delivery
<u>1-2</u>	Mail
_____	Overnight Delivery Service
_____	Fax (include fax number in address)
<u>1</u>	E-Mail (include email in address)

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/s/ Nicholas J. Lofing